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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/582,878      | 06/14/2006  | Andreas Hogn         |                     | 1519             |

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| EXAMINER |
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MOMPER, ANNA M

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3657

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| MAIL DATE | DELIVERY MODE |
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10/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/582,878 | <b>Applicant(s)</b><br>HOGN, ANDREAS |  |
|                              | <b>Examiner</b><br>ANNA MOMPER       | <b>Art Unit</b><br>4165              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The following correspondence is a first office action on the merits. Claims 1-8 as originally filed are currently pending and have been considered below.

#### ***Specification***

1. The disclosure is objected to because of the following informalities:

The sections of the specification do not have titles differentiating the individual sections.

The brief description of the drawings should be presented in a list format instead of the current paragraph format.

Appropriate correction is required.

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “pulley characterized in that the bore for the rotating shaft has two grooves” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

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changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claim 1, the phrases "e.g." and "if necessary" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

6. Claim 2, 3, and 5 recite the claim limitation "viewed from above" renders the claim as indefinite as it makes the claim ambiguous as to what is being claimed since no directional language has been disclosed.

7. Regarding claim 5, the phrase "preferably" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

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8. Claim 6 recites the claim limitation “the bore for the rotating shaft has two grooves” renders the claim indefinite as it is unclear as to whether the applicant is claiming one pulley with two grooves or two pulleys each having one groove for a total of two grooves.

9. Claim 6 recites the claim limitation “serving as a pusher dog”. This phrase renders the claim indefinite as it is not a commonly known term in the art, nor sufficiently disclosed in the specification so as to enable one of ordinary skill in the art to understand what is being claimed

10. Regarding claim 8, the phrase “if necessary” renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Objections***

11. Claims 1, 2, 4, 6, and 7 are objected to because of the following informalities:

Claim 1 recites the claim limitations “the lateral edges of the pulley”, “the side” and “the same shaft”. None of these claim limitations have been previously introduced in the claims, therefore they lack an antecedent basis and should read “two lateral edges of the pulley”, “a side”, and “a shaft”.

Claim 2 recites the claim limitation “the base circles”. No “base circle” has been previously introduced in the claims, therefore the claim limitation lacks an antecedent basis and should read “a base circle”.

Claim 4 recites the claim limitations “the flanks of the recesses” and “the lateral openings”. These limitations have not been previously introduced in the

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claims and therefore lack an antecedent basis and should read “a flank” and “a lateral opening”.

Claim 6 recites the claim limitations “the bore” and “the rotating shaft”. These limitations have not been previously introduced in the claims and therefore lack an antecedent basis and should read “a bore” and “a rotating shaft”.

Claim 6 recites the claim limitations “the rotating shaft” and “the shaft”. The parent claim recites “the same shaft”. If all of the listed limitations are intended to be referencing the same shaft, consistent terminology is required.

Claim 7 recites the claim limitation “the flat sides”. No “flat side” has been previously introduced in the claims, therefore the claim limitation lacks an antecedent basis and should read “a flat side”.

Appropriate correction is required.

12. Claims 7 and 8 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 7 and 8 have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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14. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Morling et al. (US 4,072,062).

As per claim 1, Morling et al. discloses a pulley (24, capable of engaging with nubbed belts having on a contact surface, projections formed as nubs in a recurring geometrical arrangement, in a positive-locking and self-guiding belt drive), and the surface of the pulley being formed with recesses (25, Fig. 2) in a corresponding arrangement meshing with the nubs (22), characterized in that all pulley recesses are disposed at the lateral edges of the pulley (Fig. 2) and are open toward the side in an axial direction (Fig. 2, it has been decided that it is not necessary to dispose two pulleys adjacent to each other in a rigid manner on the same shaft, note 112 2<sup>nd</sup> rejection above).

As per claim 2, Morling et al. also discloses the recesses (25, Fig. 2) are formed essentially U-shaped (Fig. 2), and that the U-shaped recesses at least partially embrace the base of the projections (Fig. 2, Fig. 3).

As per claim 3, Morling et al. also discloses that both the recesses (25) and the nubs (22) are formed essentially U-shaped (Fig. 2, Fig. 3).

As per claim 4, Morling et al. also discloses that in the flanks of the recesses (26, 27) adjacent to the lateral opening of the U-shaped recesses (25) starting from the opening converge toward one another (Fig. 3).

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

17. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morling et al. in view of Bouscaren (FR 1113501).

As per claim 5, Morling et al. also discloses each of the recesses (25) has the complementary shape of the nubs (22, Fig. 3), but fails to explicitly disclose the recesses being of a semicircular shape, halved in the direction of travel.

Bouscaren discloses a pulley (4) having projections (11) and a belt with complementary recesses (12), both the recesses and the projections having a semicircular shape, halved in the direction of travel (Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the pulley of Morling et al. to include the recesses being of a semicircular shape, halved in the direction of travel, as taught by Bouscaren, for the purpose of allowing for a smooth engagement and disengagement of the belt with the pulley.



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As per claim 6, Morling et al. discloses all elements of the claimed invention but fails to explicitly disclose the pulley bore for the rotating shaft having two grooves offset at an angle to one another and the shaft is formed with a rib.

The examiner is taking official notice that it is well known in the art to include multiple grooves along the inner circumference of a pulley for locating a pulley along a shaft in multiple positions. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the pulley of the Morling et al. and Bouscaren combination to include grooves in the pulley bore offset at an angle to one another and the shaft is formed with a rib, as is commonly known in the art, for the purpose providing for a positive engagement between the pulley and the shaft in an adjustable manner.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNA MOMPER whose telephone number is (571)270-5788. The examiner can normally be reached on M-F 6:00-3:30 (First Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (571) 272-6782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley T King/  
Primary Examiner, Art Unit 3657

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